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| APPLICATION NO.                      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/724,402                           | 12/01/2003  | Klaus Simon          | 081468-0307087      | 8896             |
| 909                                  | 7590        | 10/02/2006           | EXAMINER            |                  |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP |             |                      | KIM, PETER B        |                  |
| P.O. BOX 10500                       |             |                      | ART UNIT            | PAPER NUMBER     |
| MCLEAN, VA 22102                     |             |                      | 2851                |                  |

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                     |  |
|------------------------------|--------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>   | <b>Applicant(s)</b> |  |
|                              | 10/724,402               | SIMON ET AL.        |  |
|                              | Examiner<br>Peter B. Kim | Art Unit<br>2851    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-10, 14, 15 and 17 is/are allowed.
- 6) Claim(s) 11-13 and 16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

Applicant's arguments filed on Aug. 8, 2006 have been fully considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11 and 16, the fluid processing on the area of the substrate that “does not include the target portion” is unclear. According to the specification page 2, line 23 through page 3, line 7 that a fluid processing is carried out before an exposure, during an exposure or after an exposure, which implies that the fluid processing takes place in areas that do include the target portion, which is defined as that portion of the substrate onto which the patterned beam is projected.

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the base claim by dependency.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of Cerrina et al. (Cerrina) (6,375,903).

Garner discloses a lithographic projection apparatus and a device manufacturing method comprising a radiation system (12), a patterning structure (34) configured to pattern the projection beam; a substrate table configured to hold a substrate (24), a projection system (22) and a fluid processing cell in communication with a surface of a substrate (36, 48).

Garner discloses a plate member (64) having walls and contacting the substrate. Garner discloses fluid inlet and outlet (Fig. 3, ref. 50, 52). However, Garner does not disclose that the fluid processing and the projection of the patterned beam onto a target portion are carried out simultaneously.

Cerrina discloses in col. 6, lines 46-59 that fluid processing takes place in one area after an exposure when the nucleotide base is flowed onto the active surface of the substrate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the fluid processing to take place in one area of the substrate after the area is exposed to the patterned beam while the patterned beam is exposing another part of the substrate in the invention of Garner in order to increase throughput.

***Allowable Subject Matter***

Claims 1-10, 14, 15 and 17 are allowed.

Based on applicant's arguments, claims 1-10, 14, 15, and 17 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 11-13, and 16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter B. Kim  
Primary Examiner  
Art Unit 2851

September 24, 2006